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GOVERNMENT GAZETTE

BOLETIM OFICIAL

GOVERNMENT OF GOA, DAMAN AND DIU

Finance (Expenditure) Department

MEMO

3-61/66/Fin(Exp)

The Government of India, Ministry of Home Affairs, New Delhi vide letter No. F.1/33/67-GP

dated 9th November, 1967 have declared employees of former «Santa Casa de Misericordia» which has been included under rule 18, as «Absorbed Employees» under Goa, Daman and Diu (Absorbed Employees Conditions of Service), Rules, 1965. The posts held by them have also been equated as indicated below, for purposes of fixation of their pay.

V. S. Srinivasagopal, Dy Secretary (Finance)
Panaji, 26th June, 1968.

S. No.	Portuguese designation of the post	Portuguese pay attached to the posts	Revised designation of the posts	Equated Central Scales of pay for the posts
1. Porteira	Rs. 250-00	L. D. C.	Rs. 110-3-131-4-155-EB-4-175-5-180.	
2. Cozinheira	Rs. 116-66	Cook	Rs. 75-1-85-EB-2-95.	
3. Ajudante Cozinheira	Rs. 100-00	Cook	Ditto	
4. Servente	Rs. 116-66	Peon	Rs. 70-1-80-EB-1-85.	
5. Lavandeiro	Rs. 70-00	Peon	Ditto	
6. Moco de Limpesa	Rs. 70-00	Peon	Ditto	
7. Official Chefe de Secretaria	Rs. 600-00	Superintendent	Rs. 350-20-450-25-575.	
8. Third Official	Rs. 366-66	U. D. C.	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.	
9. Aspirante	Rs. 291-66	U. D. C.	Ditto	
10. Porteiro	Rs. 266-66	L. D. C.	Rs. 110-3-131-4-155-EB-4-175-5-180.	
11. Servente	Rs. 100-00	Peon	Rs. 70-1-80-EB-1-85.	
12. Facultativo	Rs. 716-66	Medical Officer	Rs. 400-400-450-30-600-35-670-EB-35-940.	
13. Facultativo Auxiliar	Rs. 600-00	Assistant Medical Officer	Rs. 325-25-500-30-590-EB-30-800.	
14. Nurses	Rs. 275-00	Staff Nurses	Rs. 150-5-175-6-205-EB-7-240-8-256-EB-8-280.	
15. Asst. Nurse	Rs. 250-00	Ditto	Ditto	
16. Couppounder 1st Grade	Rs. 275-00	Compounders	Rs. 130-5-175-EB-6-205-7-212-EB-7-240.	
17. Compounder 2nd Grade	Rs. 238-35			
18. 1st Grade Male Nurse	Rs. 320-85	Staff Nurse	Rs. 150-5-175-6-205-EB-7-240-8-256-EB-8-280.	
19. 2nd Grade Male Nurse	Rs. 275-00			
20. Sacristan	Rs. 233-33	Door Keeper	Rs. 75-1-85-EB-2-95.	
21. Fiscal de Asseio	Rs. 150-00	Daftry	Rs. 75-1-85-EB-2-95.	
22. Kitchen Supervisor	Rs. 250-00	Kitchen Supervisor	Rs. 85-2-95-3-110.	
23. Head Cook	Rs. 133-33	Cook	Rs. 75-1-85-EB-2-95.	
24. Typist	Rs. 266-66	L. D. C.	Rs. 110-3-131-4-155-EB-4-175-5-180.	
25. Administrador	Rs. 320-00	U. D. C.	Rs. 130-5-160-8-200-EB-8-256-EB-8-280-10-300.	

Law and Judicial Department

Notification

LD.2/25/68

The Public Provident Fund Act, 1968 (23 of 1968) which was recently passed by Parliament and assented to by the President of India on 16-5-1968 is hereby reproduced below for general information of the public.

V. R. Vaze, Under Secretary.

Panaji, 19th June, 1968.

The Public Provident Fund Act, 1968

I.A.N.

ACT

to provide for the institution of a provident fund for the general public.

Be it enacted by Parliament in the Nineteenth Year of the Republic of India as follows:—

1. Short title and extent.—(1) This Act may be called the Public Provident Fund Act, 1968.

(2) It extends to the whole of India.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Fund" means the Public Provident Fund established under the Scheme;

(b) "minor" means a person who is not deemed to have attained majority under the Indian Majority Act, 1875;

9 of 1875

(c) "Scheme" means the Public Provident Fund Scheme framed under sub-section (1) of section 3;

(d) "subscriber" means an individual who makes subscription to the Fund under section 4 and where such subscription is made by an individual on behalf of a minor, of whom he is the guardian, such minor;

(e) "year" means the financial year.

3. Public Provident Fund Scheme.—(1) The Central Government may, by notification in the Official Gazette, frame a scheme to be called the Public Provident Fund Scheme for the establishment of a provident fund for the general public and there shall be established, as soon as may be after the framing of the Scheme, a Fund in accordance with the provisions of this Act and the Scheme.

(2) Subject to the provisions of this Act, the Scheme may provide for all or any of the matters specified in the Schedule.

(3) The Scheme shall have effect notwithstanding anything contained in any law for the time being in force other than this Act or in any instrument having effect by virtue of any law other than this Act.

(4) The Central Government may, from time to time, by notification in the Official Gazette, add to, amend or vary the Scheme.

4. Subscriptions to Fund.—Any individual may, on his own behalf or on behalf of a minor, of whom he is the guardian, subscribe to the Fund in such manner and subject to such maximum and minimum limits as may be specified in the Scheme.

5. Interest.—All subscriptions made under section 4 shall bear interest at such rate as may be notified by the Central Government in the Official Gazette, from time to time, and the interest shall be calculated in such manner as may be specified in the Scheme.

6. Withdrawals.—(1) A subscriber shall be entitled to make withdrawals from the amount standing to his credit in the Fund (including any interest accrued thereon) to such extent and subject to such terms and conditions as may be specified in the Scheme:

Provided that such withdrawals shall be allowed only after the expiry of a period of five years from the end of the year in which he makes the initial subscription to the Fund.

(2) Notwithstanding anything contained in sub-section (1), a subscriber shall be entitled to withdraw the entire balance standing to his credit in the Fund after the expiry of a period of fifteen years from the end of the year in which he makes the initial subscription to the Fund.

(3) Subject to the provisions of sub-sections (1) and (2), an individual who has made subscriptions to the Fund on behalf of a minor, of whom he is the guardian, shall be entitled to withdraw any amount from the Fund only for the use of the minor.

7. Grant of loans.—A subscriber may be granted loans out of the amount standing to his credit in the Fund on such terms and conditions as may be specified in the Scheme and where the subscriber is a minor, such loans shall be granted to his guardian only for the use of the minor.

8. Payment on death of subscriber.—(1) If a subscriber dies and there is in force at the time of his death a nomination in favour of any person, all amounts standing to his credit in the Fund shall be payable to the nominee.

(2) Where the nominee is a minor, the amounts referred to in sub-section (1) shall be payable to any guardian of the property of the minor appointed by a competent court, or where no such guardian has been so appointed, to either parent of the minor, or where neither parent is alive, to any other guardian of the minor.

(3) Where there is no nomination in force at the time of the death of the subscriber, the amounts referred to in sub-section (1) shall be payable to his legal heirs.

9. Protection against attachment.—The amount standing to the credit of any subscriber in the Fund shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the subscriber.

10. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or the Scheme.

11. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act or the Scheme, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made after the expiration of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid as soon as may be after it is made before each House of Parliament.

12. Scheme to be laid before Parliament.—The Scheme shall be laid, as soon as may be, after it is framed before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in any provision of the Scheme or both Houses agree that any provision in the Scheme should not be made, the provision of the Scheme shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that provision.

THE SCHEDULE

[See section 3 (2)]

Matters for which provision may be made in the Scheme:—

(1) The manner in which subscriptions to the Fund may be made and the maximum and minimum limits of such subscriptions.

(2) The manner in which interest on subscriptions to the Fund may be calculated.

(3) The documents to be issued to subscribers as evidence of the subscriptions made by them to the Fund.

(4) The extent to which and the terms and conditions under which withdrawals may be made by subscribers from the amount standing to their credit in the Fund.

(5) The authority or authorities by or through whom subscriptions to the Fund may be collected or withdrawals therefrom may be made.

(6) The terms and conditions under which loans may be granted to subscribers out of the amounts standing to their credit in the Fund and the authority or authorities by whom such loans may be granted.

(7) The accounts to be maintained with respect to subscriptions to the Fund, and withdrawals and final payments made and loans granted therefrom and the authority or authorities by whom such accounts shall be maintained.

(8) The nomination of any person to receive the amount standing to the credit of a subscriber in the Fund in the event of his death and the cancellation or change of such nomination.

(9) The issue of duplicate of any document issued as evidence of any subscription to the Fund in the event of damage, loss or destruction of the original and the fee on the payment of which such duplicate may be issued.

(10) Any other matter which is to be provided for in the Scheme or which may be necessary or proper for the purpose of implementing the Scheme.

The above Bill has been passed by the Houses of Parliament.

Dated the May, 1968. Chairman.

I assent to this Bill.

Dated the May, 1968. President.

Notification

LD/N/2/26-68

The Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1968 (4 of 1968) promulgated by the President of India is hereby reproduced below for general information of the public.

V. R. Vaze, Under Secretary.

Panaji, 25th June, 1968.

THE REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) ORDINANCE, 1968

No. 4 of 1968

Promulgated by the President in the Nineteenth Year of the Republic of India.

An Ordinance further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952.

Whereas a Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, has been introduced in Parliament but has not yet been passed;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to give effect to the provisions of the Bill;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Requisitioning and Acquisition of Immovable Property (Amendment) Ordinance, 1968.

(2) It shall come into force at once.

2. Act 30 of 1952 to be temporarily amended.—During the period of operation of this Ordinance,

the Requisitioning and Acquisition of Immovable Property Act, 1952 (hereinafter referred to as the principal Act), shall have effect subject to the amendments specified in sections 3 and 4.

3. Amendment of section 8. — In section 8 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) The compensation payable for the acquisition of any property under section 7 shall be the price which the requisitioned property would have fetched in the open market, if it had remained in the same condition as it was at the time of requisitioning and been sold on the date of acquisition.”

4. Insertion of new section 25. — After section 24 of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect on and from the 10th day of January, 1968, namely:—

“25. Special provision as to certain requisitions under Act 51 of 1962. — (1) Notwithstanding anything contained in this Act, any immovable property requisitioned by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, under the Defence of India Act, 1962, and the rules made thereunder (including any immovable property deemed to have been requisitioned under the said Act) which has not been released from such requisition before the 10th January, 1968, shall, as from that date, be deemed to have been requisitioned by the competent authority under the provisions of this Act for the purpose for which such property was held immediately before the said date and all the provisions of this Act shall apply accordingly:

Provided that—

(a) all determinations, agreements and awards for the payment of compensation in respect of any such property for any period of requisition before the said date and in force immediately before the said date, shall continue to be in force and shall apply to the payment of compensation in respect of that property for any period of requisition as from the said date;

(b) anything done or any action taken (including any orders, notifications or rules made or issued) by the Central Government or by any officer or authority to whom powers in this behalf have been delegated by that Government, in exercise of the powers conferred by or under Chapter VI of the Defence of India Act, 1962, shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken in the exercise of the powers conferred by or under this Act as if this section was in force on the date on which such thing was done or action was taken.

(2) Save as otherwise provided in sub-section (1), the provisions of the Defence of India Act, 1962, and the rules made thereunder, in so far as

those provisions relate to the requisitioning of any such immovable property as is referred to in sub-section (1), shall as from the 10th January, 1968, cease to operate except as respects things done or omitted to be done before such cesser and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation as if such cesser were a repeal of an enactment by a Central Act.”

10 of 1897.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.



Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/2209/68

In exercise of the powers conferred on him by rule 117 of the Rules of Procedure and Conduct of Business of the Legislative Assembly of Goa, Daman and Diu, the Speaker has ordered publication of the following Bill for general information.

The Goa, Daman and Diu Buildings (Lease Rent and Eviction) Control Bill, 1968

CHAPTER I Preliminary

- Clause 1. Short title, extent and commencement.
 » 2. Definitions.
 » 3. Act not to apply to certain buildings.

CHAPTER III Control of Letting

- Clause 4. Notice of vacancy.
 » 5. Release of premises for use of the landlord.
 » 6. Requisitioning of the buildings.
 » 7. Landlord's right to occupy.
 » 8. Restriction on structural alterations to a building.
 » 9. Effect of failure to give notice and prohibition of letting.
 » 10. Occupation without giving notice of vacancy void.
 » 11. Exemption of certain classes of buildings from Chapter II.

CHAPTER III Determination of Fair rent

- Clause 12. Rent tribunal to determine fair rent.
 » 13. Increase in fair rent in what cases admissible.
 » 14. Increase of rent in certain cases.
 » 15. Landlord not to claim or receive anything in excess of fair rent.
 » 16. Prohibition of receipt of premium.

CHAPTER IV Payment and deposit of rent

- Clause 17. Receipt to be given for rent paid.
 » 18. Deposit of rent by the tenant.
 » 19. Time limit for making of deposit and consequences of incorrect particulars in application for deposit.
 » 20. Savings as to acceptance of rent.

CHAPTER V

Control on eviction of tenants

- Clause 21. Bar on eviction of tenants.
 > 22. Grounds of evictions.
 > 23. Landlord is right to obtain possession.
 > 24. Savings in case of tenancy for a fixed term.
 > 25. Controller to decide the right to possession.
 > 26. Special permission for certain classes of tenants.
 > 27. Consequences of failure of landlord to occupy premises vacated under section 25.
 > 28. Vexatious proceedings.
 > 29. Effect of dismissal of petition for ejectment.
 > 30. Recovery of possession by landlord for repairs, alterations or additions or for constructions of building, the possession of which has been taken over under section b).
 > 32. Payment or deposit of rent during the pending of the proceedings for eviction.

CHAPTER VI

Obligation of the Landlord

- Clause 33. Landlord's duty to keep building in good repair.
 > 34. Tenant's right to essential services.

CHAPTER VII

Hotels and Lodging houses

- Clause 35. Application of Chapter VII.
 > 36. Determination of fair rate.
 > 37. Revision of fair rate.
 > 38. Charges in excess of fair rate not recoverable.
 > 39. Recovery of possession by manager of a hotel or the owner of a lodging house.

CHAPTER VIII

Authorities procedure and appeals

- Clause 40. Authorities.
 > 41. Transfer of proceedings.
 > 42. Powers of the controller, the Rent Tribunal and the Appellate Board.
 > 43. Procedure.
 > 44. Appeal.
 > 45. Revision.
 > 46. Powers of appellate and revisional authorities.
 > 47. Costs.
 > 48. Recovery of compensation.
 > 49. Execution of Orders.
 > 50. Orders under this Act to be binding on sub-tenants.
 > 51. Proceedings by or against legal representatives.
 > 52. Power of inspection.
 > 53. Penalties.
 > 54. Protection for acts done under this Act.
 > 55. Jurisdiction of courts barred.
 > 56. Power to remove difficulty.
 > 57. Power to make rules.
 > 58. Repeals and savings.

The Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Bill, 1968

(Bill No. 9 of 1968)

A Bill to provide for the control of rents and evictions and of rates of hotels and lodging houses, and for the requisition of vacant buildings, in the Union territory of Goa, Daman and Diu.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Nineteenth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Goa, Daman and Diu Buildings (Lease, Rent and Eviction) Control Act, 1968.

(2) It extends, in the first instance, to the cities of Panaji, Margao, Mapsa and Vasco (including the harbour area) and to Daman (Nani and Moti) in the Union territory of Goa, Daman and Diu but the Administrator may, from time to time, by notification in the Official Gazette extend this Act or any provision thereof to any other area in the said Union territory.

(3) It shall come into force on such date as the Administrator may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act and for different areas and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provisions.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) "Administrative Tribunal" means the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunal Act, 1965;

(b) "Administrator" means the administrator of the Union territory of Goa, Daman and Diu appointed by the President under article 239 of the Constitution.

(c) "Appellate Board" means the Appellate Board constituted under sub-section (1) of section 40;

(d) "Authorised Officer" means an officer appointed as such under sub-section (2) of section 40;

(e) "building" means any building or part of a building which is, or is intended to be, let separately for use as a residence or for commercial use or for any other purpose, and includes—

(i) the garden, grounds and outhouses, if any, appertaining to such building or part of the building;

(ii) any furniture supplied by the landlord for use in such building or part of the building, but does not include a room in a hotel or lodging house;

(f) "Controller" means a person appointed as a controller under sub-section (2) of section 40 and, except in section 41, includes an Additional Controller;

(g) "fair rate" means the fair rate fixed under section 36 and includes the rate as revised under section 37;

(h) "fair rent" means the fair rent fixed under Chapter III;

(i) "hotel or lodging house" means a building or part of a building where lodging with or without board or other services is provided for monetary consideration;

(j) "landlord" means a person who, for the time being is receiving, or is entitled to receive, the rent of any premises, whether on his own account or on account of or on behalf of, or for the benefit of, any other person or as a trustee, guardian or receiver for any other person or who would so receive the rent or be entitled to receive the rent, if the premises were let to a tenant;

(k) "manager of a hotel" includes any person in charge of the management of the hotel;

(l) "member of the family" means —

(i) in relation to a landlord who is an individual, his spouse, son, father, mother, unmarried daughter and includes a brother, unmarried sister, grandfather, grandmother, grandson, widowed daughter or widowed grand-daughter solely dependent on the landlord for maintenance;

(ii) in relation to a landlord who is a joint Hindu family, the members of such a family;

(iii) in relation to joint owners other than a joint Hindu family, the members of the family as indicated in sub-clause (i) in relation to each of such joint owners.

(m) "owner of a lodging house" means a person who for the time being is receiving, or is entitled to receive, whether on his own account, or on account of, or on behalf of or for the benefit of, himself or any other person or as an agent or guardian, receiver or a trustee for any other person, any monetary consideration from any person on account of board, lodging or other services provided in the lodging house;

(n) "prescribed" means prescribed by rules made under this Act;

(o) "Rent Tribunal" means the Rent Tribunal constituted under sub-section (1) of section 40;

(p) "tenant" means any person by whom or on whose account or on behalf the rent of any premises is, or but for a special contract would be, payable and includes a sub-tenant and also any person continuing in possession after the termination of his tenancy, but shall not include any person against whom any order or decree for eviction has been made.

3. Act not to apply to certain buildings. — (1) Nothing in this Act shall apply —

(a) to any building belonging to the Government, or a State Housing Board or a local authority or the Juta do Comercio Externo or a Comunidade or Industrial Development Corporation;

(b) to any building vested in the Custodian of Evacuee Property;

(c) to any newly constructed building for a period of three years from the date of its completion;

(d) as against the Government to any tenancy or other like relationship created by a grant from the Government in respect of a building, the possession of which has been taken over under section 6.

(2) Where the Administrator is of the opinion that it is necessary or expedient in the public interest so to do, he may, by notification in the Official Gazette, and subject to such conditions, if any, as he may specify in the notification, exempt any building or class of buildings from all or any of the provisions of this Act.

CHAPTER II

Control of Letting

4. Notice of vacancy. — (1) Every landlord shall, within ten days after a building becomes vacant by his ceasing to occupy it or by termination of a tenancy, or by eviction of a tenant, or otherwise, give notice of the vacancy to the Authorised Officer.

(2) Every such notice shall be given in such manner, and shall contain such particulars as may be prescribed.

5. Release of premises for use of the landlord. —

(1) The Authorised Officer may, on receipt of an application from the landlord, or on receipt of a direction from the Administrator in pursuance of an application made to him by the landlord, by order, release a building for the occupation of the landlord or a member of his family.

(2) A landlord who has obtained possession of a building in pursuance of an order made under sub-section (1) shall use it only for his own occupation or for the occupation of any member of his family, and if he fails to do so but proposes either to let out or keep vacant the whole or any part of the building for a period exceeding that permitted by the Authorised Officer by order in writing, he shall give notice as required under section 4 as if the building had fallen vacant.

6. Requisitioning of building. — (1) Within fifteen days of receipt, by the Authorised Officer, of the notice under sub-section (1) of section 4, or sub-section (2) of section 5 the Authorised Officer, may, if he is of the opinion that the building is required for the purpose of the Government or of any local authority or of any public institution under the control of Government or for the occupation of any officer or employee of the Government or a local authority, issue an order in the prescribed form giving intimation to that effect to the landlord, and calling upon the landlord to hand over possession of the building to him or any other officer empowered by him for this purpose on a date to be specified by him in this behalf, in the said order, or on any other later date, as may be specified by him.

(2) (a) On receipt of the order issued under sub-section (1), the landlord shall deliver vacant possession of the building to the Authorised Officer or any officer empowered by him for this purpose.

(b) If the landlord fails to deliver the possession on the date so specified, the Authorised Officer or any other officer empowered by him in this behalf may take possession of the building.

(3) As soon as may be, after the possession of the building is taken over under sub-section (2), the Authorised Officer shall, after giving notice in this behalf to the landlord and hearing him and after holding such inquiry as he deems fit, determine the monthly rent payable to the landlord on the following basis: —

(a) where the building was first let out on or after the 1st day of January, 1965, the rent shall be equal to the monthly rent paid or payable on the aforesaid date;

(b) in all other cases, the rent shall be the fair rent, if any, fixed under the provisions of Chapter III and if no fair rent has been so fixed, such reasonable rent as the Authorised Officer may determine;

Provided that the reasonable rent fixed by the Authorised Officer shall be subject to such fair rent as may be determined by the Rent Tribunal.

(4) The landlord shall be entitled to payment of rent determined under sub-section (3) —

(a) where possession of the building has been handed over on the date specified in the order issued

under sub-section (1) from the date on which the Authorised Officer received notice under sub-section (1) of section 4 or sub-section (2) of section 5, as the case may be;

(b) in any other case from the date on which the possession of the building has been taken over by the Authorised Officer or the officer empowered by him in this behalf.

(5) The Authorised Officer may, by order in writing, allot the building for the purpose for which it was taken over and the allottee shall hold it subject to such terms and conditions as may be specified in the allotment order.

7. Landlord's right to occupy.—If, within fifteen days of the receipt by the Authorised Officer of a notice under sub-section (1) of section 4 or sub-section (2) of section 5, the Authorised Officer does not intimate to the landlord in writing that the building is required for any of the purposes specified in sub-section (1) of section 6, the landlord shall be at liberty to let the building to any tenant or to occupy it himself.

8. Restriction on structural alterations to a building.—When a building the possession of which has been taken over under section 6 is a residential building, no structural alterations shall be made in the building except with the consent in writing of the landlord.

9. Effect of failure to give notice and prohibition of letting.—Notwithstanding the fact that a landlord has failed to give intimation to the Authorised Officer as required by sub-section (1) of section 4, or sub-section (2) of section 5, the Administrator or the Authorised Officer may, if the building is required for any of the purposes specified in sub-section (1) of section 6 at any time, give intimation to the landlord that the building is so required and thereupon the provisions of this Chapter shall apply to such building as if the requisite notice had been given:

Provided that such intimation shall not affect any liability of the landlord for any penalty to which he may be subject by reason of his omission to give the notice.

10. Occupation without giving notice of vacancy void.—Where a landlord fails to give intimation to the Authorised Officer as required by sub-section (1) of section 4 or sub-section (2) of section 5 and occupies the building himself or lets it out to a tenant or otherwise allows it to be occupied by some other person the said occupation of the building by the landlord or the tenant or other person shall be deemed to be void.

11. Exemption of certain classes of buildings from Chapter II.—Nothing in this Chapter shall apply—

(a) to a residential building the monthly rent of which does not exceed twenty-five rupees;

(b) to a non-residential building the monthly rent of which does not exceed fifty rupees;

(c) to any building or buildings in the same city, town or village owned by any company, association or firm, whether incorporated or not, and *bonafide* intended solely for the occupation of its officers, servants or agents.

CHAPTER III

Determination of fair rent

12. Rent Tribunal to determine fair rent.—(1) The Rent Tribunal shall, on application by the landlord or the tenant of a building, fix the fair rent payable per annum for such building after holding such inquiry as may be prescribed.

(2) The fair rent payable per annum shall consist of—

(a) seven and a half per cent of the market value of the building (including the land on which the building is constructed) as on the 1st day of January, 1965, or the date of the completion of the building, whichever is later; and

(b) the taxes or cesses payable per annum in respect of the building including the land on which the building is constructed;

Provided that where the building has been let out for the first time previous to the 1st day of January, 1965, the fair rent shall not exceed the rent payable in respect of such building on that date.

Increase in fair rent in what cases admissible.

(1) When the fair rent of a building has been fixed under this Act, no further increase in such fair rent shall be permissible except in cases where some addition, improvement or alteration has been carried out at the landlord's expense and if the building is then in the occupation of a tenant, at his request:

Provided that the increase shall be calculated at a rate per annum not exceeding seven and a half per cent of the cost of such addition, improvement or alteration.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Rent Tribunal.

(3) Where, after the fair rent of a building has been fixed under this Act, there is a decrease or diminution in the accommodation or amenities provided, the tenant may claim a reduction in the fair rent as so fixed.

(4) Any dispute between the landlord and the tenant in regard to any reduction so claimed shall be decided by the Rent Tribunal.

14. Increase of rent in certain cases.—(1) Where the amount of taxes and cesses payable by the landlord in respect of any building to a local authority is enhanced after the fixation of the fair rent under section 12, the landlord shall be entitled to claim half of such excess from the tenant in addition to the rent payable for the building under this Act:

Provided that such excess shall not be recoverable in so far as it has resulted from an increase of rent in respect of the building.

(2) Any dispute between the landlord and the tenant in regard to any increase claimed under sub-section (1) shall be decided by the Rent Tribunal.

15. Landlord not to claim or receive anything in excess of fair rent.—(1) Where the Rent Tribunal has fixed fair rent of a building, the landlord shall not claim, receive or stipulate for the payment of—

(a) any extra sum in addition to such fair rent; or

(b) save as provided in section 13 or section 14 anything in excess of such fair rent:

Provided that the landlord may receive or stipulate for the payment of an amount not exceeding one month's rent, by way of advance.

(2) Save as provided in sub-section (1) any extra sum or any rent paid in addition to, or in excess of, such fair rent whether before or after the commencement of this Act, in consideration of the grant, continuance or renewal of the tenancy of the building, shall be refunded by the landlord to the person by whom it was paid or at the option of such person shall be otherwise adjusted by the landlord:

Provided that where before the determination of the fair rent, rent has been paid in excess thereof, the refund or adjustment shall be limited to the amount paid in excess for a period of six months prior to the date of the application by the tenant or the landlord under sub-section (1) of section 12 for fixing the fair rent.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be void.

16. Prohibition of receipt of premium.—(1) Where the fair rent of a building has not been so fixed, the landlord shall not, after the commencement of this Act, claim, receive or stipulate for the payment of an extra amount or other like sum in addition to the agreed rent:

Provided that the landlord may receive or stipulate for the payment of an amount not exceeding one month's rent by way of advance.

(2) Save as provided in sub-section (1) any sum paid in excess of the agreed rent after the commencement of this Act in consideration of the grant, continuance or renewal of the tenancy of the building after such commencement shall be refunded by the landlord to the person by whom it was paid or, at the option of such person, shall be otherwise adjusted by the landlord.

(3) Any stipulation in contravention of sub-section (1) or sub-section (2) shall be void.

CHAPTER IV

Payment and deposit of rent

17. Receipt to be given for rent paid.—(1) Every tenant shall pay rent within the time fixed by contract or in the absence of such contract, by the fifteenth day of the month next following the month for which it is payable.

(2) Every tenant who makes a payment of rent or advance to his landlord shall be entitled to obtain forthwith from the landlord or his authorised agent a written receipt for the amount paid to him, signed by the landlord or his authorised agent.

(3) If the landlord or his authorised agent refuses or neglects to deliver to the tenant a receipt referred to in sub-section (2), or does not accept any rent tendered by a tenant, the tenant shall remit the rent to the landlord by money order, after deducting the money order commission and continue to remit any rent which may subsequently become due in respect of the building in the same manner until the landlord signifies by a written notice to the tenant his

willingness to accept the rent and deliver a receipt as required by sub-section (2).

18. Deposit of rent by the tenant.—(1) Where there is a *bona fide* doubt as to the person or persons to whom the rent is payable or where the address of the landlord or his authorised agent is not known to the tenant he may deposit such rent with the Controller in the prescribed manner.

(2) The deposit shall be accompanied by an application by the tenant containing the following particulars, namely:—

(a) the building for which the rent is deposited with a description sufficient for identifying the premises;

(b) the period for which the rent is deposited;

(c) the name and address of the landlord or the person or persons claiming to be entitled to such rent;

(d) the reasons and circumstances for which the application for depositing the rent is made;

(e) such other particulars as may be prescribed.

(3) On such deposit of the rent being made, the Controller shall send in the prescribed manner a copy or copies of the application to the landlord or persons claiming to be entitled to the rent with an endorsement of the date of the deposit.

(4) If an application is made for the withdrawal of any deposit of rent, the Controller shall, if satisfied that the applicant is the person entitled to receive the rent deposited, order amount of the rent to be paid to him in the manner prescribed:

Provided that no order for payment of any deposit of rent shall be made by the Controller under this sub-section without giving all persons named by the tenant in his application under sub-section (2) as claiming to be entitled to payment of such rent an opportunity of being heard and such order shall be without prejudice to the right of such persons to receive such rent being decided by a court of competent jurisdiction.

(5) If at the time of filing the application under sub-section (4), but not after the expiry of thirty days from receiving the notice of the deposit, the landlord or the person claiming to be entitled to the rent complains to the Controller that the statements in the tenant's application of the reasons and the circumstances which led him to deposit the rent are untrue, the Controller, after giving the tenant an opportunity of being heard, may, if he is satisfied that the said statements were materially untrue, impose on the tenant a fine not exceeding an amount equal to two months' rent, and may further direct that such portion thereof as he considers fit should be paid to the landlord as compensation.

(6) The Controller, on the complaint of the tenant and after giving an opportunity to the landlord of being heard may, if he is satisfied that the landlord without any reasonable cause refused to accept rent though tendered to him within the time referred to in section 17, impose on the landlord a fine not exceeding an amount equal to two months' rent, and may further direct that such portion thereof as he considers fit should be paid to the tenant as compensation.

19. Time limit for making deposit and consequences of incorrect particulars in application for deposit.— (1) No rent deposited under section 18 shall be considered to have been validly deposited under that section, unless the deposit is made within twenty-one days of the time allowed by section 17 for payment of the rent.

(2) No such deposit shall be considered to have been validly made, if the tenant wilfully makes any false statement in his application for depositing the rent, unless the landlord has withdrawn the amount deposited before the date of filing an application for the recovery of possession of the premises from the tenant.

(3) If the rent is deposited within the time mentioned in sub-section (1) and does not cease to be a valid deposit for the reason mentioned in sub-section (2), the deposit shall constitute payment of the rent to the landlord as if the amount deposited had been validly tendered.

(4) If the deposit is not considered to have been validly made, the person depositing may withdraw the deposit at any time when he wishes to withdraw by making an application in writing in this behalf to the Controller.

20. Saving as to acceptance of rent.— The withdrawal of rent deposited under section 18 in the manner provided therein shall not operate as an admission against the person withdrawing it of the correctness of the rate of rent, the period of default, the amount due, or of any other facts stated in the tenant's application for depositing the rent under the said section.

CHAPTER V Control of eviction of tenants

21. Bar on eviction of tenants.— Notwithstanding anything to the contrary contained in any other law or contract, a tenant shall not be evicted, whether in execution of a decree or otherwise, except in accordance with the provisions of this Chapter:

Provided that where the tenant denies the title of the landlord or claims a right of permanent tenancy, the Controller shall decide whether the denial or claim is *bona fide* and if he records a finding to that effect, the landlord shall be entitled to sue for eviction of the tenant in a civil court and the court may pass a decree for eviction on any of the grounds mentioned in this Chapter even though the court finds that such denial does not involve forfeiture of the lease or that the claim is unfounded.

22. Grounds of eviction.— (1) A landlord who seeks to evict his tenant shall apply to the Controller for a direction in that behalf.

(2) If the Controller, after giving the tenant a reasonable opportunity of showing cause against the application, is satisfied—

(a) that the tenant has not paid or tendered the rent due by him in respect of the building within fifteen days after the expiry of the time fixed in the agreement of tenancy with his landlord or in the absence of any such agreement, by the last day

of the month next following that for which the rent is payable; or

(b) that the tenant has without the written consent of the landlord—

(i) transferred his right under the lease or sub-let the entire building or any portion thereof, or

(ii) used the building for a purpose other than that for which it was leased; or

(c) that the tenant has committed such acts of waste as are likely to impair materially the value or utility of the building; or

(d) that the tenant has been guilty of such acts and conducts which are a nuisance to the occupiers of other portions of the same building or of buildings in the neighbourhood;

Explanation:— For the purposes of Central Act this clause, "nuisance" shall be deemed ¹⁰⁴ of 1956 to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956;

(e) that the tenant of a dwelling house has, whether before or after the commencement of this Act, built, acquired vacant possession of, or been allotted a residence; or

(f) that the tenant has ceased to occupy the building for a continuous period of four months without reasonable cause; or

(g) that the tenant has denied the title of the landlord or claimed a right of permanent tenancy and that such denial or claim was not *bona fide*,

the Controller shall make an order directing the tenant to put the landlord in possession of the building and if the Controller is not so satisfied he shall make an order rejecting the application:

Provided that in any case falling under clause (a), if the Controller is satisfied that the tenant's dereliction to pay or tender rent was not *wilful*, he may, notwithstanding anything contained in section 32, give the tenant a reasonable time, not exceeding fifteen days, to pay or tender the rent due by him to the landlord up to the date of such payment or tender and on such payment or tender the application shall be rejected.

23. Landlord's right to obtain possession.— (1) A landlord may, subject to the provisions of section 24, apply to the Controller for an order directing the tenant to put him in possession of the building—

(a) in case it is a residential building,—

(i) if the landlord is not occupying a residential building of his own in the city, town or village concerned and he requires it for his own occupation or for the occupation of any member of his family, or

(ii) if the landlord who has more buildings than one in the city, town or village concerned is in occupation of one such building and he *bona fide* requires another building instead, for his own occupation;

(b) in case it is a non-residential building which is used for the purpose of keeping a vehicle or adapted for such use, if the landlord requires it for his own use and if he is not occupying any such building

in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise;

(c) in case it is any other non-residential building, if the landlord is not occupying a non-residential building in the city, town or village concerned which is his own or to the possession of which he is entitled whether under this Act or otherwise—

(i) for the purpose of a business which he is carrying on, on the date of the application, or

(ii) for the purpose of a business which in the opinion of the Controller the landlord *bona fide* proposes to commence:

(3) Provided that a person who becomes a landlord after the commencement of the tenancy by an instrument *'inter vivos'* shall not be entitled to apply under this clause before the expiry of three months from the date on which the instrument was registered:

Provided further that where a landlord has obtained possession of a building under this section, he shall not be entitled to apply again under this section—

(i) in case he has obtained possession of a residential building for possession of another residential building of his own;

(ii) in case he has obtained possession of a non-residential building for possession of another non-residential building of his own.

(2) Where the landlord of a building, whether residential or non-residential, is a religious, charitable, educational or other public institution, it may, if the building is required for the purposes of the institution, apply to the Controller, subject to the provisions of section 24, for an order directing the tenant to put the institution in possession of the building.

(3) A landlord who is occupying only a part of a building, whether residential or non-residential, may, notwithstanding anything in sub-section (1), apply to the Controller for an order directing any tenant occupying the whole or any portion of the remaining part of the building to put the landlord in possession thereof; if he requires additional accommodation for his own use or for the use of any member of his family or for the purpose of a business which he or any member of his family is carrying on, as the case may be.

24. Saving in case of tenancy for a fixed term.—Where the tenancy is for a specified period agreed upon between the landlord and the tenant, the landlord shall not be entitled to apply for possession under section 23 before the expiry of such period.

25. Controller to decide right to possession.—The Controller shall, if he is satisfied that the claim of the landlord under section 23 is *bona fide*, make an order directing the tenant to put the landlord in possession of the building on such date as may be specified by the Controller and if the Controller is not satisfied, he shall make an order rejecting the application:

Provided that in the case of an application under sub-section (3) of section 23, the Controller shall reject the application, if he is satisfied that the hardship, which may be caused to the tenant by

granting it, will outweigh the advantage to the landlord:

Provided further that the Controller may give the tenant a reasonable time for putting the landlord in possession of the building and may extend such time so as not to exceed three months in the aggregate.

26. Special provision for certain classes of tenants.

—No order for eviction shall be passed under section 23—

(i) against any tenant who is engaged in any employment or class of employment notified by the Administrator as an essential service for the purpose of this clause, unless the landlord is himself engaged in any employment or class of employment which has been so notified; or

(ii) in respect of any building which has been let for use as an educational institution and is actually being used as such, provided that the institution has been recognized by the Administrator or any authority empowered by him in this behalf.

27. Consequences of failure of landlord to occupy premises vacated under section 25.—(1) Where a landlord, who has obtained possession of a building in pursuance of an order under section 25, does not himself occupy it and for the purposes specified in the order within one month of the date of obtaining possession or having so occupied it, vacates it without reasonable cause within six months of such date, the tenant, who has been evicted, may apply to the Controller for an order directing that he shall be restored to possession of the building and the Controller shall make an order accordingly notwithstanding anything contained in sections 4 to 10.

(2) Where a tenant, who is entitled to apply for possession under sub-section (1), fails to do so within one month from the date on which the right to make the application accrued to him, the Authorised Officer shall have power, if the building is required for any of the purposes, specified in sub-section (1) of section 6, to give intimation to the landlord that the building is so required, and thereupon the provisions of section 4 to 10 shall apply to the building:

Provided that this section shall not apply to a building to which the provisions of section 11 apply.

28. Vexatious Proceedings.—Where the Controller is satisfied that any application made by a landlord for the eviction of a tenant is frivolous or vexatious, the controller may direct that compensation, not exceeding two months rent, be paid by such landlord to the tenant.

29. Effect of dismissal of petition for ejection.

Where an application under sections 22 or 23 for evicting a tenant has been rejected by the Controller or in appeal or revision the tenancy shall, subject to the provisions of this Act, be deemed to continue on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in the said section 22 or section 23.

30. Recovery of possession by landlord for repairs, alterations or additions or for reconstruction. — (1) Notwithstanding anything in this Act, on an application made by a landlord, the Controller may, if he is satisfied —

(a) that the building is reasonably and *bonafide* required by the landlord for carrying out repairs, alterations or additions, which cannot be carried out without the building being vacated; or

(b) that the building consists of not more than two floors and is reasonably and *bonafide* required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the tenant to deliver possession of the building to the landlord before a specified date.

(2) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions, or the new building on its completion, will be offered to the tenant, who delivered possession in pursuance of an order under sub-section (1) for his reoccupation before the expiry of such period as may be specified by the Controller in this behalf.

(3) In the event of the landlord failing to make the offer in accordance with the said undertaking the Controller shall, on an application made by the tenant within one month after the expiry of the period specified under sub-section (2), make an order directing the landlord to deliver possession of the building to the tenant.

(4) In case the tenant, to whom the building or the new building, as the case may be, is offered under sub-section (2), by the landlord, does not want to occupy it, the landlord shall give notice of vacancy in writing to the Authorised Officer under sub-section (1) of section 4.

(5) Nothing in this section shall entitle a landlord, who has recovered the possession of the building for repairs, alterations or additions or for re-construction to convert a residential building into a non-residential building or a non-residential building into a residential building, unless such conversion is permitted by the Controller at the time of passing an order under sub-section (1).

31. Recovery of possession by the landlord for repairs, alterations or additions or for reconstruction of building the possession of which has been taken over under section 6. — (1) Notwithstanding anything in this Act, on an application made by a landlord of a building the possession of which has been taken over under section 6, the Authorised Officer may, if he is satisfied —

(a) that the building is reasonably and *bonafide* required by the landlord for carrying out repairs, alterations or additions, which cannot be carried out without the building being vacated; or

(b) that the building consists of not more than two floors and is reasonably and *bonafide* required by the landlord for the immediate purpose of demolishing it and such demolition is to be made for the purpose of erecting a new building on the site of the building sought to be demolished,

pass an order directing the allottee to deliver possession of the building to the landlord before a specified date.

(2) No order for recovery of possession under this section shall be passed, unless the landlord gives an undertaking that the building on completion of the repairs, alterations or additions or the new building on its completion will be offered to the Authorised Officers before the expiry of such period, as may be specified by the Authorised Officer in this behalf.

(3) In the event of the landlord failing to make the offer in accordance with the said undertaking the Authorised Officer may proceed as if the landlord had failed to give the notice required by sub-section (1) of section 4.

(4) Nothing in this section shall entitle the landlord, who has recovered possession of the building for repairs, alterations or additions or for reconstruction to convert a residential building into a non-residential building or a non-residential building into a residential building, unless such conversion is permitted by the Authorised Officer at the time of passing an order under sub-section (1).

32. Payment or deposit of rent during the pendency of the proceedings for eviction. — (1) No tenant against whom a proceeding for eviction has been instituted by a landlord under this Act, shall be entitled to contest the proceeding before the Controller or any appellate or revisional authority or to prefer any appeal or revision under this Act, unless he has paid to the landlord or deposits with the Controller or the appellate or revisional authority, as the case may be, all arrears of rent due in respect of the building up to the date of payment or deposit and continues to pay or deposit any rent, which may subsequently become due in respect of the building, until the termination of the proceedings before the Controller or the appellate or revisional authority.

(2) The deposit of rent under sub-section (1) shall be made within such time and in such manner as may be prescribed.

(3) Where there is any dispute as to the amount of rent to be paid or deposited under sub-section (1), the Controller or the appellate or revisional authority, as the case may be, shall, on application made either by the tenant or by the landlord, and after making such inquiry, as he deems necessary, determine summarily the rent to be so paid or deposited.

(4) If any tenant fails to pay or to deposit the rent as aforesaid, the Controller or the appellate or revisional authority, as the case may be, shall, unless the tenant shows sufficient cause to the contrary, stop all further proceedings and make an order directing the tenant to put the landlord in possession of the building.

(5) The amount deposited under sub-section (1) may, subject to such conditions, as may be prescribed, be withdrawn by the landlord on application made by him in that behalf.

CHAPTER VI Obligations of the landlord

33. Landlord's duty to keep building in good repair.

— (1) Every landlord shall be bound to keep the building in good and tenable repair.

(2) If the landlord neglects or fails to make, within a reasonable time after notice in writing, any repairs, which he is bound to make under sub-section (1), the tenant may make the same himself and deduct the expenses of such repairs from the rent or otherwise recover them from the landlord:

Provided that the amount so deducted or recoverable in any year shall not exceed one-twelfth of the rent payable by the tenant for that year.

(3) Where any repairs without which the building is not habitable or usable except with undue inconvenience are to be made and the landlord neglects or fails to make them after notice in writing, the tenant may apply to the Rent Tribunal for permission to make such repairs himself and may submit to the Rent Tribunal an estimate of the cost of such repairs, and, thereupon, the Rent Tribunal may, after giving the landlord an opportunity of being heard and after considering such estimate of the cost and making such inquiries, as it may consider necessary, by order in writing, permit the tenant to make such repairs at such cost, as may be specified in the order, and it shall, thereafter, be lawful for the tenant to make such repairs himself and to deduct the cost thereof, which shall in no case exceed the amount so specified, from the rent or otherwise recover it from the landlord.

Provided that the amount so deducted or recoverable in any year shall not exceed one-half of the rent payable by the tenant for that year:

Provided further that if any repairs not covered by the said amount are necessary in the opinion of the Rent Tribunal and the tenant agrees to bear the excess cost himself the Rent Tribunal may permit the tenant to make such repairs.

34. Tenant's right to essential services. — (1) No landlord either himself or through any person purporting to act on his behalf shall, without just and sufficient cause, cut off or withhold any essential of the building let to him.

(2) If a landlord contravenes the provisions of sub-section (1), the tenant may make an application to the Controller complaining of such contravention.

(3) If the Controller is satisfied that the essential supply or service was cut off or withheld by the landlord with a view to compel the tenant to vacate the building or to pay an enhanced rent, the Controller may pass an order directing the landlord to restore the amenities immediately, pending the inquiry referred to in sub-section (4).

Explanation: — An interim order may be passed under this sub-section without giving notice to the landlord.

(4) If the Controller, on inquiry, finds that the essential supply or service enjoyed by the tenant in respect of the building was cut off or withheld by the landlord without just and sufficient cause, he shall make an order directing the landlord to restore such supply or service.

(5) The Controller may, in his discretion, direct that compensation not exceeding fifty rupees —

(a) be paid to the landlord by the tenant, if the application under sub-section (2) was made frivolously or vexatiously;

(b) be paid to the tenant by the landlord, if the landlord had cut off or withheld the supply or service without just and sufficient cause.

Explanation I: — In this section, «essential supply or service» includes supply of water, electricity, lights in passages and on staircases, conservancy and sanitary services.

Explanation II: — For the purposes of this section, withholding any essential supply or service shall include acts or omissions attributable to the landlord on account of which the essential supply or service is cut off by a local authority or any other competent authority.

CHAPTER VII

Hotels and lodging houses

35. Application of this Chapter. — The provisions of this Chapter shall come into force in any local area only with effect from such date, as the Administrator may, by notification, in the Official Gazette appoint:

Provided that if the Administrator is of the opinion that it would not be desirable in the public interest to make the provisions of this Chapter applicable to any class of hotels or lodging houses, he may, by notification in the Official Gazette, exempt such class of hotels or lodging houses from the operation of this Chapter.

36. Determination of fair rate. — (1) Where the Rent Tribunal, on a written complaint or otherwise, has reason to believe that the charges made for boarding or lodging or any other service provided in any hotel or lodging house are excessive, it may fix a fair rate to be charged for boarding, lodging or other services provided in the hotel or lodging house and in fixing such fair rate, specify separately the rate for lodging, boarding and other services.

(2) In determining the fair rate under sub-section (1), the Rent Tribunal shall have regard to the nature of the boarding, lodging and other services furnished, the prevailing rates of charges for the same or similar services, the cost of living and the scale of charges for boarding, lodging and other services as on the 1st day of January, 1965.

37. Revision of fair rate. — On a written application from the manager of a hotel or the owner of a lodging house or otherwise, the Rent Tribunal may, from time to time, revise the fair rate to be charged for boarding, lodging or other service in a hotel or lodging house, and fix such rate as it may deem fit having regard to any general rise or fall in the cost of living which may have occurred after the fixing of the fair rate.

38. No charges payable in excess of fair rate. — When the Rent Tribunal has determined the fair rate of charges in respect of a hotel or lodging house —

(a) the manager of the hotel or the owner of the lodging house, as the case may be, shall not charge any amount in excess of the fair rate and shall not, except with the previous written permission of the Rent Tribunal, withdraw from the lodger any con-

cession or service allowed at the time, when the Rent Tribunal determined the fair rate;

(b) any agreement for the payment of any charges in excess of such fair rate shall be void in respect of such excess and shall be construed as if it were an agreement for payment of the said fair rate;

(c) any sum paid by a lodger in excess of the fair rate shall be recoverable by him at any time within a period of six months from the date of the payment from the manager of the hotel or the owner of the lodging house or his legal representatives and may, without prejudice to any other mode of recovery, be deducted by such lodger from any amount payable by him to such manager or owner.

39. Recovery of possession by manager of a hotel or the owner of a lodging house. — Notwithstanding anything contained in this Act, the manager of a hotel or the owner of a lodging house shall be entitled to recover possession of the accommodation provided by him to a lodger on obtaining a certificate from the Controller certifying —

(a) that the lodger has been guilty of conduct which is a nuisance or which causes annoyance to any adjoining or neighbouring lodger;

Explanation: — For the purposes of Central Act 104 of 1956 this clause, «nuisance» shall be deemed to include any act which constitutes an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956; or

(b) that the accommodation is reasonably and ^{Central} _{Act 5 of 1956} bona fide required by the owner of the hotel or lodging house, as the case may be, either for his own occupation or for the occupation of any person for whose benefit the accommodation is held, or any other cause which in the opinion of the Controller is insufficient; or

(c) that the lodger has failed to vacate the accommodation on the termination of the period of the agreement in respect thereof; or

(d) that the lodger has done any act which is inconsistent with the purpose for which the accommodation was given to him or which is likely to affect adversely or substantially the owner's interest therein; or

(e) that the lodger has failed to pay the rent due from him.

CHAPTER VIII

Authorities, procedure and appeals

40. Authorities. — (1) The Administrator may, by notification in the Official Gazette, constitute for any local area an Appellate Board and a Rent Tribunal consisting of one or more persons as may be prescribed for the purposes of this Act.

(2) (a) The Administrator may also, by notification in the Official Gazette, appoint an Authorised Officer, a Controller and as many Additional Controllers as he thinks fit, for any local area.

(b) An additional Controller shall exercise the same powers and discharge the same duties as a Controller.

(3) The Administrator may by notification in the Official Gazette, define the areas within which an

Authorised Officer, or a Controller shall perform his functions.

41. Transfer of proceedings. — (1) The Controller may, after giving due notice to the parties and after giving them a reasonable opportunity of being heard —

(a) transfer any proceeding pending before him for disposal to any Additional Controller, or

(b) withdraw any proceedings pending before any Additional Controller and dispose of it himself or transfer the proceeding for disposal to any other Additional Controller.

(2) The Administrative Tribunal may after giving due notice to the parties and after giving them a reasonable opportunity of being heard, transfer any proceeding from a Controller to another Controller.

(3) The Appellate Board may transfer any proceeding from a Rent Tribunal to another Rent Tribunal.

42. Powers of the Controller, the Rent

Tribunal and the Appellate Board. — The Controller, the Rent Tribunal and the Appellate Board shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, when trying a suit or appeal, in respect of the following matters, namely: —

Central
Act 5
of 1908

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) issuing commissions for the examination of witnesses;

(d) any other matter which may be prescribed; and any proceeding before the Controller, the Rent Tribunal and the Appellate Board shall be deemed to be a judicial proceeding within the meaning of sections 193, 219 and 228 of the Indian Penal Code, and the Controller, the Rent Tribunal and the Appellate Board shall be deemed to be civil courts within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898.

Central
Act 45
of 1860

Central
Act 5
of 1898

43. Procedure. — (1) Subject to the provisions of this Act, the procedure to be followed by the Controller, the Rent Tribunal, the Appellate Board, the Administrative Tribunal or the Administrator in all inquiries, appeals and proceedings under this Act shall be such as may be prescribed.

(2) Every decision made or order passed under this Act shall be recorded in the form of an order which shall state the reasons therefor.

44. Appeal. — (1) From every order other than an interim order passed by the Rent Tribunal, an appeal shall lie to the Appellate Board.

(2) From every order, other than an interim order, passed by the Authorised Officer under section 31, or by Controller, an appeal shall lie to the Administrative Tribunal.

(3) An appeal under this section shall be preferred within thirty days from the date of the order appealed against:

Provided that the Appellate Board or, as the case may be, the Administrative Tribunal, may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the applicant was prevented by sufficient cause from filing the appeal in time.

45. Revision.—(1) The Administrator may, in exceptional circumstances, on the application of any party, call for and examine the records relating to any order passed under this Act by the Authorised Officer, the Controller, the Rent Tribunal, the Appellate Board or the Administrative Tribunal for the purpose of satisfying himself as to the correctness, legality, or propriety of such order and may pass such order thereon as he thinks fit:

Provided that no such record shall be called for after the expiry of ninety days from the date of the order.

(2) The costs of such proceedings shall be in the discretion of the Administrator.

46. Powers of appellate and revisional authorities.—Any appellate or revisional authority under this Act may confirm, modify or rescind the order in appeal or revision or its execution or may pass such other order as is legal and is in accordance with the provisions of this Act:

Provided that no order shall be varied in revision unless an opportunity has been given to the interested parties to appear and be heard:

Provided further that every order passed by the Administrative Tribunal, the Authorised Officer, the Controller or the Rent Tribunal shall be final, unless varied in appeal or revision and every order passed in appeal or revision shall be final.

47. Costs.—Subject to such conditions and limitations, if any, as may be prescribed, the costs of and incident to all proceedings under this Act before any original, appellate or revisional authority under this Act shall be in the discretion of the said authority, which shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose.

48. Recovery of compensation.—Any compensation awarded or fine imposed by any authority under this Act shall be paid by the person concerned within such time, as may be allowed, and in default of such payment the amount shall be recoverable as an arrear of land revenue, or in such other manner as may be prescribed.

49. Execution of orders.—An order made under this Act by any original, appellate or revisional authority directing the taking over of the possession of any building or the eviction of any person in occupation of any building shall be executable by that authority as a decree of a civil court and for this purpose that authority shall have all the powers of a civil court.

CHAPTER IX

Miscellaneous

50. Orders under this Act to be binding on sub-tenants.—Any order for the eviction of a tenant

passed under this Act shall be binding on all sub-tenants under such tenant, whether they were parties to the proceedings or not and whether they became sub-tenants before or after the date of the application for eviction, provided that such order was not obtained by fraud or collusion.

51. Proceedings by or against legal representatives.

(1) Any application made, appeal preferred or proceeding taken, under this Act by or against any person, may in the event of his death, be continued by or against his legal representatives.

(2) Where any application, appeal or other proceedings could have been made, preferred or taken, under this Act, by or against any person, such application, appeal or other proceedings may, in the event of his death, be made, preferred or taken by or against his legal representatives.

52. Power of inspection.—The Authorised Officer and any original, appellate or revisional authority under this Act or any person authorised in writing by him or by such authority in this behalf, may enter and inspect any building for the purposes of any inquiry or proceeding under this Act.

53. Penalties.—(1) Any person who contravenes or attempts to contravene or abets the contravention of any of the provisions of this Act or any rule made thereunder shall be punishable with fine which may extend to one thousand rupees.

(2) Where a person committing an offence under this Act is a company, or other body corporate, or an association of persons (whether incorporated or not) every Director, Manager, Secretary, Agent or other Officer or person concerned with the management thereof, shall, unless he proves that the offence was committed without his knowledge or consent, be deemed to be guilty of such offence.

54. Protection for acts done under this Act.—(1) No suit, prosecution or other legal proceeding shall lie in any court against any officer or servant of the Government or any person acting under his direction or aiding or assisting him, for anything which is in good faith done or intended to be done in pursuance of or under this Act.

(2) No suit or other legal proceeding shall lie against the Government for, or on account of or in respect of, any act, matter or thing whatsoever, purporting to have been done in pursuance of or under this Act.

55. Jurisdiction of courts barred.—Save as provided in this Act, no court shall have jurisdiction to settle, determine or deal with any question which is by or under this Act required to be settled, determined or dealt with by the Controller, the Rent Tribunal, the Appellate Board, the Administrative Tribunal, or the Administrator, and no order passed by any such authorities under this Act shall be called in question in any court.

56. Power to remove difficulty.—If any difficulty arises in giving effect to the provisions of this Act, the Administrator may, by order, do anything not inconsistent with the provisions of this Act which

appear to him to be necessary or expedient for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiration of two years from the commencement of this Act.

57. Power to make rules. — (1) The Administrator may, by notification in the Official Gazette and subject to the conditions of previous publication, make rules to carry out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power such rules may provide for: —

(a) the procedure to be followed, and the powers that may be exercised by the Controller, Rent Tribunal, Appellate Board, and Administrative Tribunal in the performance of their functions under this Act;

(b) the manner in which notices and orders under this Act shall be given or served;

(c) the setting aside of *ex parte* orders passed under this Act;

(d) the application for bringing on record legal representatives of deceased persons who were parties to proceedings under this Act and the time within which such application shall be preferred;

(e) the procedure to be followed in taking possession of building and in disposing of the articles found therein at the time of taking possession;

(f) the fee leviable in respect of applications and appeals under this Act;

(g) any other matters which has to be, or may be, prescribed.

(3) In making a rule under this section the Administrator may provide that a person, who contravenes any of the provisions thereof, shall be punishable with fine which may extend to one thousand rupees.

(4) Every rule made under this Act shall, as soon as may be after it is made, be laid on the table of the Legislative Assembly and if before the expiry of the session in which it is so laid or the session immediately following, the Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

58. Repeals and savings. — (1) As from the date on which this Act is brought into force in any local area, the provisions of Decree No. 43525, dated the 7th March, 1961, and Legislative Diploma No. 1409, dated the 14th February, 1952 and the corresponding provisions of any other law for the time being in force shall stand repealed in that area.

(2) Notwithstanding the repeal of the laws by sub-section 1, all suits and other proceedings under a repealed law pending at the commencement of this Act before any court or authority shall be continued and disposed of in accordance with the provisions of the repealed law as if that law had continued in force and this Act had not been passed:

Provided that in any such suit or proceeding for the fixation of fair rent or for the eviction of a tenant

from any building, the court or other authority shall have regard to the provisions of this Act.

Provided further that the provisions for appeal under the repealed law shall continue in force in respect of suits and proceedings disposed of thereunder.

Memorandum of delegated legislation

Clause 57 of the Bill empowers the Government to frame rules in respect of the matters specified therein. In particular, it authorises the Government to regulate the procedure to be followed by the authorities to be constituted under the Act, the fees payable in respect of applications and appeals, and the manner in which notices and orders under the Act shall be given or served.

In accordance with the recommendations of the Committee on subordinate legislation it has been provided that the rules shall be prepublished, and shall be laid on the table of the Legislative Assembly and be subject to such changes as the Assembly may make during the session in which they are so laid or the one immediately following.

The proposed delegation is of a normal character.

Financial memorandum

Although there are provisions for the appointment of various authorities, such as the Authorised Officer, the Administrative Tribunal, the Rent Tribunal, the Controller and the Appellate Board, for the implementation of the proposed enactment, yet no financial commitment is involved on this account as the duties and powers of these authorities will be assigned to the various existing functionaries and it will not be necessary to set up separate, whole-time offices and courts under the Act. However, it will be necessary to provide one U. D. C. and one peon to each Appellate Board, one U. D. C. to each Controller and one L. D. C. to each Rent Tribunal. An amount of Rs. 500.00 per office per annum will also have to be provided for contingent expenditure. The total recurring expenditure is estimated to be about Rs. 70,000/- per year. For this purpose, an advance from the Contingent Funds would be taken pending voting appropriation by the Legislature.

Statement of objects and reasons

As a result of the increased developmental activities undertaken since liberation, there has been a large influx of persons into the principal cities of this Union territory. The number of buildings has not increased proportionately to the demand and, as such tenants and persons, seeking accommodation, are put to considerable hardship.

Difficulties have been experienced in the enforcement of the existing pre-liberation law on the control of rents and as such, it is proposed to replace it by a law regulating rents as well as letting on the lines of the legislation obtaining in neighbouring States.

With a view to encouraging construction it has been provided that the legislation shall not apply to newly constructed buildings for a period of 3 years from the date of their completion. It has been provided that rent to be charged is the agreed rent or the fair rent fixed by the Rent Tribunal on the basis of 7½ per cent of the market value of the

building and land and the taxes and cesses payable in respect of building and land. Receipt of a premium and any advance excepting one month's rent has been prohibited.

Similarly, the Bill prohibits the eviction of a tenant on other than certain specified grounds, such as non-payment of rent, misuse of premises, or the bona fide requirement of the landlord of the premises, for his own use.

Questions as to the eviction of tenants are to be determined by a Controller from whose decision an appeal is to lie to the Administrative Tribunal.

The increase in the floating population has also made it necessary to control the rent charged by hotels and lodging houses. The Bill seeks to give the necessary powers in this regard to authorities constituted for this purpose.

Again, in order to ensure that public servants and public institutions secure necessary accommodation easily, an obligation is being cast upon the landlords to report cases of vacancy to an authorised officer who is then empowered to allot it for certain specified purposes.

Thus, the Bill seeks on the lines of the legislation obtaining in neighbouring States, to ensure fair rent and security of tenure to tenants of dwelling houses and to enable the State to secure vacant accommodation for certain public purposes and to replace the existing pre-liberation law on this point.

The Administrator has recommended the introduction and consideration of the Bill under section 23 of the Government of Union Territories Act, 1963.

Panaji DAYANAND B. BANDODKAR
4th April, 1968 Chief Minister

ASSEMBLY HALL R. L. SEGEL
Panaji, Secretary to the Legislative Assembly
1st July, 1968. of Goa, Daman and Diu

Labour and Information Department

ORDER

LC/12/EPF/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation, New Delhi, issued under Employees' Provident Funds Act, 1952, is hereby republished for information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 24th June, 1968.

Notification

12/5/68/EPF-II

Dated the 1st June, 1968.

S. O.—In pursuance of clause (a) of sub-section (1) of section 5A of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints, with effect from the 1st June 1968, the Additional Secretary to the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), as the Chairman of the Board of Trustees, (Central Board), and makes the following further amendment in the notification of the Government of India in the late Department of Social Security No. S. O. 1156 dated the 1st April, 1965, namely:—

In the said notification, for the entry against Serial Number 1, the following entry shall be substituted, namely:—

«The Additional Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation, Department of Labour and Employment, New Delhi».

DALJIT SINGH

Under Secretary to the Govt. of India.

ORDER

LC/13/MWA/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Dept. of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 26th, June, 1968.

Notification

S. O.—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby adds to Part I of the Schedule to that Act, employment in the maintenance of buildings and employment in the construction and maintenance of runways, notice of its intention to do so having already been given by the notification of the Government of India in the Department of Labour and Employment No. S. O. 2926, dated the 17th August, 1967, as required by the said section.

(LWI (I) 6(25)/65)

S. S. SAHASRANAMAN

Under Secretary.

ORDER

LC/45/ESL/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Deptt. of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 26th June, 1968.

Notification

Dated the 20th March, 1968

S.O.— In pursuance of sub-section (3) of section 73-A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby varies, with effect from the 1st April, 1968, the percentage of the total wage bill of the employer constituting the employer's special contribution to the following extent, notice of the same having been previously given in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 304 dated the 12th January, 1968, namely:

In the case of factories and establishments situated in any area in which the provisions of both Chapters IV and V of the said Act are in force, the employer's special contribution shall be raised from 2½% to 3% of the total wage bill of the employer.

(F. No. 1/1/68-HI)

S. T. MERANI
Joint Secretary.

ORDER

LC/1/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Deptt. of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 26th June, 1968.

Notification

Dated the 10th April, 1968

S. O.— Whereas the Central Government is satisfied that public interest requires that 'service in the uranium industry' should be declared to be a public utility service for the purposes of the Industrial Disputes Act, 1947;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2

of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a period of six months from the date of publication of this notification.

(F. No. 1/19/68-LRI-II)

O. P. TALWAR
Under Secretary

ORDER

LC/1/68

The following Notification from the Government of India, Ministry of Labour, Employment and Rehabilitation (Deptt. of Labour & Employment), New Delhi, is hereby republished for the information of all concerned.

By order and in the name of the Administrator of Goa, Daman and Diu.

B. Ram, Secretary, Industries and Labour Department.

Panaji, 26th June, 1968.

Notification

Dated the 10th April, 1968

S. O.— Whereas the Central Government is of opinion that it is expedient in the public interest to add to the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), 'service in the Uranium Industry';

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 40 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby adds the following item to the First Schedule to the said Act, after item 18 thereof, namely:—

«19. Service in the Uranium Industry»,

(F. No. 1/19/68-LRI-I)

O. P. TALWAR
Under Secretary

Mormugao Port Trust**Notification**

MPT/IGA(E.11117)/68

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendment to the Mormugao Port Trust (Adaptation of Rules) Regulations, 1964 adopted by the Board of Trustees is hereby published:—

Substitute the following for the existing Regulation 4 of the Mormugao Port Trust (Adaptation of Rules) Regulations, 1964:—

«4— Existing Rules to continue

(1) As from the appointed day, existing rules and orders and subsequent amendments thereto

made on or after the date of coming into force of the Mormugao Port Trust (Adaptation of Rules) Regulations, 1964, relating to the following matters shall, to the extent they are not inconsistent with the provisions of the Act or any regulations made thereunder and until they are altered, repealed or amended by the Board, continue in force, as if they were made by the Central Government under the Act, namely:—

- (i) matters specified in Clauses (b) and clauses (e) to (n) of Section 123 of the Act;
- (ii) matters specified in Clauses (b), (c) and (e) of Section 28 of the Act.

Provided that any amendment aforesaid to the existing rules and orders, not advantageous to an employee shall not be made applicable to such employees unless the Board obtains the previous sanction of the Central Government».

By order,

Peter Furtado
For Secretary

Mormugao, 31st May, 1968.

(2nd time)

Notification

MPT/TGA(E.682-I)/68

As required under Section 124(2) of the Major Port Trusts Act, 1963, the following amendments to the Mormugao Port Employees' (Pension and Gratuity) Regulations 1966 adopted by the Board of Trustees are hereby published:—

I.—Substitute the following for the existing Regulation 43 of Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966:—

«The amount of pension as finally calculated shall be rounded off to the next higher rupee».

II.—Introduce the following as Sub-Regulation (3) under Regulation 53 of Mormugao Port Employees' (Pension and Gratuity) Regulations, 1966:—

«The amount of Family Pension as finally calculated shall be rounded off to the next higher rupee».

By order,

Peter Furtado
For Secretary

Mormugao, 31st May, 1968.

(2nd time)